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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/612,534	07/07/2000	Lynh Nguyen	ST9-99-134	9366

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EXAMINER

JAROENCHONWANIT, BUNJOB

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/612,534

Applicant(s)

NGUYEN, LYNH

Examiner

Bunjob Jaroenchonwanit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10, 14-23 and 30-76 is/are rejected.
- 7) ☒ Claim(s) 7-9, 11-13 and 24-29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/6/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. This office action is in response to the communication filed 06/06/2005. Examiner notes that no claims were amended; claims 1-76 are pending for examination. Newly rejection are as stated below.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1, 14, 29, 35, 68-69, 71-72 and 74-75 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear whether how the direct connection between port module and interface module are accomplished distinctively from the conventional synchronization, as taught in the background of invention. Further, the language such as could be interpreted as either having connection manager to establishing connection as recited in claim 1 for example, and without having connection manager for establishing connection as in claim 69 for example. Thus, it is clearly that the claims do not particularly point out the invention as claimed, in light of the specification. Since the specification does support only one type of establishing connection, which includes using a software, hardware module so called "connection manager" to facilitate connection, as described in page 14. Without detailing of facilitate-connection, language of the independent claims read on synchronization as described in the prior art or so called "relevant art" section. Claims rejection under 35 USC § 112, 2nd ¶ is maintained.

Double Patenting

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4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1-3, 18-20 and 74-76 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-36 of co-pending Application No. 09/750,432 and claims 1-19 of co-pending Application No. 09/750,475. Although the conflicting claims are not identical, they are not patentably distinct from each other because context of both set of claims are similar, which particularly, directs to having three software modules for facilitating connection between client application, and server application.

6. Claims 1-3, 18-20 and 74-76 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of co-

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pending Application No. 09/750,475. Although the conflicting claims are not identical, they are not patentably distinct from each other because context of both set of claims are similar, which particularly, directs to having three software modules for facilitating connection between client applications, and server applications.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

7. Claims 1-6, 10, 14-23, 30-32, 34-56, 58-62 and 64-76 are rejected under 35 U.S.C. 102(e) as being anticipated by Polizzi et al (US 2002/0023158).

8. Regarding claims 35 and 64-67, Polizzi discloses a method, apparatus and program product (hereinafter a “system”) comprising:

providing at least one interface module to interface with a remote application (115, fig. 1);

providing port module to interface between interface module and data source (service agent, 130, fig. 1);

providing a connection manager to facilitate between the interface module and port module (service broker (125) Fig.1; ¶ 4, 6 and 21).

9. Regarding claims 1, 16, 18, 29, 53-55, 58-61, 68-69, 71-72 and 74-75, Polizzi discloses method, apparatus and program product (hereinafter a “system”) comprising:

providing at least one interface module to interface with a remote application (115, fig. 1);

providing port module to interface between interface module and data source (service agent, 130, fig. 1);

providing a connection manager to facilitate between the interface module and port module (service broker (125) Fig.1; ¶ 4, 6 and 21).

By disclosing the inventive concept of having directly output report from back-end server to a user in accordance with previously presented SQL (¶25), Polizzi inherently discloses establishing direct connection between the interface module and the port module.

10. Regarding claims 2, 19 and 36, conventionally, initialization is required in for resetting or restarting computer hardware or software, thereby Polizzi, inherently teach initialization of service broker at least at the time of starting the program.

11. Regarding claims 3, 22, 39 and 40, Polizzi discloses establishing connection between the connection manager and the port module (Polizzi's broker communicates with service agent).

12. Regarding claims 4, 10, 14-15, 23, 30-32, 41-42, 48-52, 56-57, 62, 70, 73 and 76, Polizzi discloses the service agents appear on web client as objects, which inherently include object identifiers, and upon selection of one of the service agents or objects, the selected service agent can process job, e.g., SQL, and return the job or SQL report directly to the user (¶ 4, 6, 21 and 25). The teaching implied direct connection between web client and agent.

13. Regarding claims 5-6, 20-21 and 37-38, Polizzi discloses its' portal includes authentication server for authenticate web client (¶23, 24, 30, 36, 40).

14. Regarding claims 17 and 34, as discussed in claim 1, since the report of the job or SQL can be send directly to web client, after the web client post the request on ad hoc or predetermined schedule (¶25-26). This also implied disconnection between web client and service agent.

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15. Regarding claims 43-47, Polizzi discloses parameters are arranged in hierarchical relation (Fig. 3-5).

16. Claims 33, 57 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polizzi et al (US. 2002/0023158).

17. Claims 33, 57 and 63 fully or partially reiterate claims 18 or 35 for supporting a duplicate part, i.e., port and interface modules. Although Polizzi may have disclosed a single web client, however, making a plurality of web client is merely duplicate part, which the court held that it has no patentable significance unless a new and unexpected result is produced, *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

18. Claims 7-9, 11-13, 24-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

19. Applicant's arguments filed on 6/6/05 have been fully considered but they are not persuasive. In the remarks, applicant argued in substance that:

a. First issue, in response to applicant's argument regarding to the claims rejection under 35 USC §112, 2nd ¶. The rejection is maintained; the rejection has been reiterated and elaborated as discussed in the rejection section above.

b. Secondly, in response to applicant's argument regarding to the provisional double patenting. The argument is acknowledged; the rejection is maintained and reproduced above.

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c. Thirdly, with respect to rejections under 35 USC § 102 and § 103, the previous rejection are withdrawn.

20. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 6/6/05 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bunjob Jaroenchonwanit whose telephone number is (703) 305-9673. The examiner can normally be reached on 8:00-17:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'B. Jaroenchonwanit', with a long horizontal line extending to the right.

Bunjob Jaroenchonwanit
Primary Examiner
Art Unit 2143

/bj
9/6/2005